THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.11825 OF 2004

Dt.17.11.2005

Between:

Mallidi Rama Reddy

… Petitioner

And

The Executive Engineer, Irrigation & P.W.Dept.,

Dowleswaram, E.G.District and another. … Respondents

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Irrigation.

It is brought to my notice that similar writ petition has been filed seeking writ of mandamus for a declaration that the action of the respondents and their agents in seeking to demolish the constructions of the petitioners in the premises situate on the left berm of Samalkot canal in Anaparthi Village, East Godavari District limits at M.12/1,2 & M.12/3,4 is illegal and for a consequential direction to respondents not to interfere with their peaceful possession, has already been dismissed by this Court in W.P.No.12737 of 2004 by order dated 11.2.2005.

It is stated that on account of construction of shops by the petitioners close to the canal without leaving any space between one shop and another on either side of the existing bridge on the canal, number of accidents are occurring causing much inconvenience to the public and the public are pressurizing the Department to remove the shops so as to enable free vehicular and other traffic flow. It is also stated that instructions have been issued not to grant any lease on the bunds of the irrigation canal without specific permission of the Government. It is stated that no lease or permission have been granted on the land, in question, as the area occupied by the petitioners does not belong to them.

In view of the aforesaid facts and circumstances of the case, following the order of this Court in W.P.No.12737 of 2004 dated 11.2.2005, this writ petition is also dismissed. No costs.

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(V.ESWARAIAH, J.)

17.11.2005

kpr